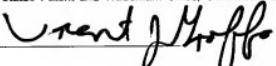


CERTIFICATE OF EFS FILING UNDER 37 CFR §1.8

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Date: August 19, 2008

Name: Vincent J. Gnoffo, Reg. No. 44,714

Signature: 

Our Case No. I0022/178

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
Riley, et al.)
Serial No. 10/029,769) Examiner: Tan D. Nguyen
Filing Date: October 19, 2001) Group Art Unit No.: 3629
For METHOD FOR IMPLEMENTING) Confirmation No. 4749
SERVICE DESK CAPABILITY)
)

PRE-APPEAL BRIEF REQUEST FOR REVIEW

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Further to the Advisory Action mailed June 26, 2008 and the Final Office Action mailed February 26, 2008, Applicants request review of the rejections in the above-identified application. No amendments to the claims are being filed with this Request.

The extension period should be based on the mailing date of the Advisory Action (June 26, 2008) since the response to the Final Office Action was mailed within two months of the mailing date of the Final Office Action (mailed the first business day after April 26, 2008, which was Saturday). This request is being filed with a Notice of Appeal.

The review is requested for the reasons stated on the attached sheets. No more than five (5) pages are provided.

I. Introduction

Claims 1-8, 10 and 12-67 are pending in the application. The Office Action rejects claims 1, 3-8, 10-20, 22-28, 30-33, 35-40, 42-50, and 52-67 under 35 U.S.C. 103(a) as being unpatentable over Gusick et al. (US Pub. No. 2001/0047270) in view of Mangipudi et al (US Pat. No. 6,728,748) and Liao et al. (US Pub. No. 2004/0136379) or further in view of Cogger et al. (US Pat. No. 6,859,783). Claims 1, 3-8, 10-20, 22-28, 30-33, 35-40, 42-50, and 52-67 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Mangipudi et al. alone or further in view of Liao et al. or Cogger et al. Claims 2, 21, 29 and 34 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Gusick et al., Mangipudi et al. and Liao et al. in view of Jones et al. (US Pat. No. 6,219,648). Claim 41 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Gusick et al., Mangipudi et al. and Liao et al. in view of Jones et al. Claim 51 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Gusick et al., Mangipudi et al., and Liao et al. in view of Jones et al.

II. The Office Action does not correctly address missing elements of the claims

The pending claims recite, among other things, "categorizing" a request including "calculating a priority value for the request." Moreover, the claims recite that "the priority value is calculated in accordance with the type of request, an impact of the request, a severity of the request, a criticality of a function affected by the request, and a resolution urgency of the request at the time of receiving the request."

A. Independent Claims 1, 40, 47, 53 and 64

None of the references, alone or in combination, disclose or suggest "categorizing" a request including "calculating a priority value for the request." The Advisory Action relies on Mangipudi et al. for this feature. Mangipudi et al., however, fails to disclose or suggest a calculation. Rather Mangipudi et al. relates to service level management of Internet traffic, without making calculations.

Mangipudi et al. purports to disclose a method and apparatus to enhance class of service (COS) at a computer architecture's application layer. A request controller classifies network requests into classes of high, medium or low priority based on a configured policy. It is not disclosed that classification and enhancement of the application

layer is based on any calculation. Rather, Internet traffic is categorized in accordance identification information such as the traffic's domain of origin, URL, transaction, service or protocol, source or destination IP address, virtual site, or the authenticated user name. More resources are assigned to support higher class requests based on this identification information, not on calculations. See, Col. 7, ll. 35-45.

Gusick et al. fails to fill the gaps. Gusick et al. purports to disclose a customer service system and method to enable different parties or organizations to communicate or share customer service information with one another. An organization may automate its customer service system by including access to a list of frequently asked questions (FAQ) and their corresponding answers. The organization categorizes, organizes and/or cross-references the questions and answers into a customer service knowledge base.

Customers visiting the site can browse or search the knowledge base and have their questions answered with human intervention. A customer can also submit a query that the manager attempts to match with customer service information contained in a knowledge database. See Para. 19. In this way, the system of Gusick et al. may categorize answers to customer questions. Gusick et al. does not disclose or suggest, however, categorizing customers' requests by calculating a priority value for the request.

Liao et al. also fails to fill the gaps. Liao et al. purports to disclose a method and apparatus for allocating limited network resources, such as bandwidth and buffer memory, among various categories of data. The categories are established as "expedited forwarding" (EF), "assured forwarding" (AF), "best effort" (BE), and "lower than best effort" (LBE) based on service level agreements that are put in place with customers. Liao et al. does not disclose or suggest, however, provisioning service desk capabilities to customers, where the provisioning includes "calculating a priority value for the request".

In addition, Cogger et al. fails to fill the gaps. Cogger et al. purports to disclose a system and method for opening and tracking trouble tickets over the public Internet. A customer service management system may provide information included within a customer profile record to a Web enabled infrastructure which may be accessible by a remote customer workstation having a web browser and Internet access. The customer profile information may be used to populate data fields in dialogs used to open a trouble

ticket. Once the trouble ticket is opened, the customer workstation may track the existing trouble tickets through a browser based graphical user interface. The graphical user interface may provide current and historical status reports of the actions taken to resolve a network event and the service organizations responsible for resolving the network event. Cogger et al. does not disclose or suggest "calculating a priority value for the request."

For at least these reasons, Applicants respectfully request review of the rejection directed against the current application and withdrawal of the rejections against the claims.

The claims further recite the claims recite that "the priority value is calculated in accordance with the type of request, an impact of the request, a severity of the request, a criticality of a function affected by the request, and a resolution urgency of the request at the time of receiving the request." Since none of Gusick et al., Mangipudi et al., Liao et al., or Cogger et al. disclose or suggest "calculating", none of the references, alone or in combination, disclose or suggest the priority value being calculated in the recited way. For at least these additional reasons, Applicants respectfully request review of the rejection directed against the current application and withdrawal of the rejections against the claims.

B. Claims 1, 3-8, 10-20, 22-28, 30-33, 35-40, 42-50, and 52-67

These claims stand rejected under 35 U.S.C. 103(a) as being unpatentable over Mangipudi et al. alone or further in view of Liao et al. or Cogger et al. Rejections with regard to Mangipudi et al., Liao et al. and Cogger et al. for these claims were discussed above. For at least the reasons discussed above, Applicants respectfully request withdrawal of the rejection against these claims.

C. Claims 2, 21, 29, 34, 41 and 51

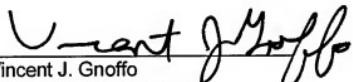
These claims stand rejected under 35 U.S.C. 103(a) as being unpatentable over Gusick et al., Mangipudi et al. and Liao et al. in view of Jones et al. (US Pat. No. 6,219,648). As discussed above, neither Gusick et al., Mangipudi et al. and Liao et al., alone or in combination, disclose or suggest "calculating a priority value for the request, wherein the priority value is calculated in accordance with the type of request, an impact of the request, a severity of the request, a criticality of a function affected by the request, and a resolution urgency of the request at the time of receiving the request."

Jones et al. fails to fill the gaps. Jones et al. purports to disclose an alerting system for ensuring awareness of pending customer generated trouble tickets which have not been resolved for at least a predetermined time duration corresponding to an escalation level. A customer service center selects the time duration. The alerting system includes a manager module which periodically monitors the pending customer generated trouble tickets and determines whether each pending customer generated trouble ticket remains unresolved for the time duration corresponding to the escalation level. An alerting module sends an alert to a recipient assigned to the escalation level when the manager module determines the trouble ticket has not been resolved for the time duration corresponding to the escalation level. For at least these reasons, Applicants respectfully request withdrawal of the rejection against these claims.

III. Conclusion

For at least the above reasons, Applicants respectfully request review of the final rejection directed against the current application and withdrawal of the rejections against the claims.

Respectfully submitted,



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